

Resume in English

The thesis Basic rights of the patients compares two systems of law, the Czech and the French one. This work introduces the resources of legal adjustments of the both law systems in the area of medical law. Later on it deals with the relation doctor – patient, the interpretation of which is absolutely different in both countries.

France has been proud of its contractual relations since the thirties of the 20th century, while the Czech republic can be characterized with more of a paternalistic relation.

The separate basic rights are arranged according to their importance in this thesis. The author introduces the international legal form, then the local variant, the French legal form being given the advantage. In the conclusion of some chapters the reader will find a short resume, evaluation of pluses and minuses and a short lay-out of the new legal modifications or inspiration for the lawmakers. First of all the right to life and the right to protection of human personality are being dealt with. These rights are the top values of the human society, that is why they are protected by the normatives of the top legal force. Within these rights the author renders especially the criminal responsibility of the medical staff, mainly in connection with taking an active part in euthanasia or suicide. A short summary can be found in the end of each chapter.

Later on the author devotes her attention to the right for medical care. It is necessary to provide equal access to all medical care without any restrictions, or discrimination. The provided medical care must be on adequate level what concerns its quality, safety and accessibility for each patient. There is a difference in how both legal systems deal with equality. According to the French one, an equal approach is the one which provides medical treatment on the basis of health insurance even if this treatment was inaccessible for some individuals before. On the other hand, the accessible treatment should not be covered by health insurance. The expenses of inexpensive treatment should be covered by the patient himself.

Patient's privacy must be respected at all circumstances. This is guaranteed by two areas of protection, such as professional ethics, or secret, which means the duty of professional secrecy of all medical staff and special regime of keeping medical documentation.

Any interference with the body integrity of patient is illegal. In order the medical treatment were not illegal, the patient must pronounce the informed consent with. Each patient has the right to be informed about his health condition and possible treatment. If the patient has to decide whether the treatment is inevitable, he must be acquainted with the course, effects and other possibilities which may occur. If the patient is given all this information, there is nothing to prevent him from making a free decision whether to pass this medical step or not.

As the last right, the right for free choice of physician is discussed. The relation of trust is very important between a doctor and a patient. If the patient cannot find a common speech with his physician, or has a feeling he cannot trust him, he must have an option to choose another doctor.

In the end of this thesis the reader will find a short evaluation of both legal systems and subjects for the lawmakers for a new adjustment according to the French medical law.

Basic rights of patients

And these terms :

Rights of patients

Comparative study